

TITLE 3: HEALTH AND SANITATION AND ANIMAL REGULATIONS

DIVISION 3: ENVIRONMENTAL HEALTH

Chapter 6: Domestic Water Sources and Systems.

Sections:

Article 1: General Provisions

- 33.061 Authority.
- 33.062 Definitions.
- 33.063 Permits, Licensing, Registration, Privileges, and Entitlements.
- 33.064 Enforcement Activities.
- 33.065 Reports.
- 33.066 Violations, Remedies, and Penalties.
- 33.067 Administrative Variance.
- 33.068 Hearing Procedures.
- 33.069 (Reserved)

Article 2: Public Water Supply Systems

- 33.0610 Statement of Purpose.
- 33.0611 Authority.
- 33.0612 Standards.
- 33.0613 Permits.
- 33.0614 Modifications.
- 33.0615 Monitoring.
- 33.0616 Water Quality.
- 33.0617 Water Quantity, Source, and Storage Requirements.
- 33.0618 Required Separation Between Water Mains and Sanitary Sewers.
- 33.0619 Backflow and Cross-Connection Control.
- 33.0620 Treatment.
- 33.0621 Correction of Sanitary Defects and Health Hazards.
- 33.0622 Surface Water Sources.
- 33.0623 Hauled Water.
- 33.0624 Violations, Remedies, and Penalties.
- 33.0625-0629 (Reserved)

Article 3: Water Wells

- 33.0630 Statement of Purpose and Authority.
- 33.0631 Permits.
- 33.0632 Licensing and Registration of Water Well Drillers and Contractors.
- 33.0633 Standards.
- 33.0634 Lateral (Horizontal) Well Standards.
- 33.0635 Approval of Sites.
- 33.0636 General Location of Water Wells.
- 33.0637 Well Logs.
- 33.0638 Well Surface and Subsurface Construction Features.
- 33.0639 Disinfection of Water Wells.
- 33.0640 Water Quality Standards.
- 33.0641 Required Inspections of Wells.
- 33.0642 Approval by DEHS.
- 33.0643 Well Abandonment.
- 33.0644 Declaration of Proposed Reuse.
- 33.0645 Violations, Remedies, and Penalties.
- 33.0646-0649 (Reserved)

Article 4: Certification of Backflow Prevention Device Testers

- 33.0650 Statement of Purpose.
- 33.0655 Authority.
- 33.06510 Certification Required.
- 33.06515 Term of Certification.
- 33.06520 Required Fees.
- 33.06525 Denial, Revocation and Suspension of Certification.
- 33.06530 Non-Transferability of Certifications.
- 33.06535 Administration, Enforcement, Remedies and Penalties.
- 33.06540-06550 Reserved.

Article 5: Desert Groundwater Management

- 33.06551 Purpose.
- 33.06552 Scope and Exclusions.

33.06553 Definitions.
33.06554 Permits.
33.06555 Notice of Pending Decision
33.06556 Appeals.
33.06557 Violations, Remedies, and Penalties.

Article 1: GENERAL PROVISIONS

33.061 Authority.

Within this jurisdiction, the San Bernardino County Department of Environmental Health Services (DEHS) shall enforce the provisions of this Chapter pursuant to the authority cited in Chapter I of this Environmental Health Code (E.H. Code) and elsewhere as provided by State law. Except as provided herein, all provisions of Chapters 1, 2, and 3 of this E.H. Code shall apply to this Chapter.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.062 Definitions.

Definitions herein shall supplement all definitions in State law pertaining to domestic water sources and systems, and in Chapters I and 3 of this E.H. Code.

(a) "Abandoned Well" and "Abandonment" shall apply to a well which has not been declared for reuse by the legal owner with DEHS. Test holes and exploratory holes shall be considered abandoned twenty-four (24) hours after construction and testing work have been completed. A well whose original or functional purpose and use has been discontinued for a period of one (1) year or which is in such a state of disrepair that it cannot be made functional for its original purpose or any other function regulated by this Chapter, shall be considered an abandoned well.

(b) "Agricultural Well" shall mean any water well used to supply water for irrigation or other agricultural purposes, including so-called "stock wells."

(c) "Annular Seal" or "Sanitary Seal" shall mean the material placed in the space between the well casing and the wall of the drilled hole (the annular space).

(d) "Cathodic Protection Well" shall mean any artificial excavation in excess of fifty (50) feet constructed by any method for the purpose of installing equipment or facilities for the protection electrically of metallic equipment in contact with the ground, commonly referred to as cathodic protection.

(e) "Community Water Supply Well" shall mean any well which provides water for public water supply systems.

(f) "Contamination" shall mean an impairment of water quality by wastes or other degrading elements to a degree that an actual or potential public health hazard may exist.

(g) "Cross-Connection" shall mean any unprotected connection between any part of a water system used or intended to supply water for domestic purposes and any source or system containing water or other substance that is not or cannot be approved as safe, pure, wholesome, and potable for human consumption.

(h) "Customer System" shall mean those parts of the facilities beyond the termination of the distribution system.

(i) "Distribution System" shall include the facilities, conduits or any other means used for the delivery of water from the source facilities to the customer's system.

(j) "Domestic Water Hauler" shall mean a person who transports water for domestic use in a common bulk container (tank) from source facilities to the customer's system, but shall not include those transporting "bottled water" from a State-licensed "water bottling plant."

(k) "Furnish" or "Supply" shall mean furnishing or supplying water to a public water supply system.

(l) "Individual Domestic Well" shall mean any well used to supply water for domestic needs of an individual residence.

(m) "Industrial Well" shall mean any well used primarily to supply water for industrial processes and may supply water intentionally or incidentally for domestic purposes.

(n) "Lateral (Horizontal) Well" shall mean a well drilled or constructed horizontally or at an angle with the horizon as contrasted with the common vertical well and does not include horizontal drains or so-called "wells" constructed to remove subsurface water from hillsides, cuts, or fills.

(o) "Observation Well" shall mean a well used for monitoring or supplying the conditions of a water-bearing aquifer, such as water pressure, depth, movement or quality.

(p) "Pollution" shall mean an alteration of water quality by waste to a degree which affects: (1) such waters for beneficial uses, or (2) facilities which serve such beneficial uses. Pollution may include "contamination."

(q) "Public Water Supply System" shall mean the source facilities and distribution system used to provide water to the public for human consumption and which has two (2) or more service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. It shall include:

(1) "Community Water System" shall mean a public water system which serves at least fifteen (15) service connections used by year-long residents or regularly serves at least twenty-five (25) year-long residents. Community water systems shall include those serving residential communities.

(2) "Noncommunity Water System" shall mean a public water system which meets one of the following criteria:

(A) Serves at least twenty-five (25) nonresident individuals daily at least sixty (60) days of the year, but not more than twenty-four (24) year-long residents.

(B) Serves fifteen (15) or more service connections and any number of nonresident individuals at least sixty (60) days per year.

(C) Serves five (5) to fourteen (14) service connections and twenty-five (25) or more individuals less than sixty (60) days per year.

State small water systems shall include, but are not limited to, mountain area tracts without year-long residents.

(r) "Source Facilities" shall include wells, stream diversion works, infiltration galleries, springs, reservoirs, tanks and all other facilities used in the production, treatment, disinfection, storage or delivery of water to the distribution system.

(s) "Test" or "Exploratory Hole" shall mean an excavation used for determining the nature of underground geological or hydrological conditions, whether by seismic investigation, direct observation, or any other means.

(t) "User" shall mean any person or entity using water for domestic purposes, but shall not include furnishing or supplying water to the public.

(u) "Well" or "Water Well" shall mean any artificial excavation constructed by any method for the purpose of extracting water from or injecting water into the ground, but shall not include:

(1) Oil and gas wells, or geothermal wells constructed under jurisdiction of the California State Department of Conservation, except those wells converted to use as water wells; or

(2) Wells used for the purpose of:

(A) Dewatering excavation during construction; or

(B) Stabilizing hillsides or earth embankments.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.063 Permits, Licensing, Registration, Privileges, and Entitlements.

No person or entity shall engage in any activity subject to the jurisdiction of this Chapter without first having an unrevoked, unsuspended, unexpired permit, license, registration, privilege, and entitlement for each such activity and without first paying all applicable fees to DEHS for each activity in the amounts set forth in the San Bernardino County Code Schedule of Fees.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.064 Enforcement Activities.

Except as provided herein, enforcement activities shall generally proceed as set forth in Chapters 1, 2, and 3 of this E.H. Code, and relevant State law pertaining to domestic water sources and systems.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.065 Reports.

DEHS may require any public water supply system permit holder or applicant to file a comprehensive report on the condition and operation of the source facilities and distribution system. The report shall be in such form and detail as DEHS prescribes. It shall be prepared by a registered engineer, or other qualified professional registered with DEHS, and be made at the sole expense of the permit holder or applicant.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.066 Violations, Remedies, and Penalties.

(a) It shall be unlawful for any person or entity to violate any provision of this Chapter or to furnish or supply to a user, water used or intended to be used for human consumption or for domestic purposes which is impure, unwholesome, unpotable, polluted, or dangerous to health.

(b) Except as provided herein, all enforcement procedures, remedies, and penalties of Chapters 1, 2, and 3 of this E.H. Code shall apply to this Chapter, in addition to all others provided by law.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.067 Administrative Variance.

Subject to approval by the State Department of Health Services, Sanitary Engineering Branch, the Director of DEHS may grant an administrative variance to the provisions of this Chapter where evidence submitted documents that a modification of the standards, as provided herein, will not endanger the general public health and safety and strict compliance would be unreasonable in view of all the circumstances.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.068 Hearing Procedures.

Any person or entity whose permit application is rejected, or permit has been suspended, denied or revoked may request a hearing. Upon a proper showing DEHS shall act upon the request in the manner set forth for administrative hearings in Chapter 2 (Permits and Hearing Procedures) of this E.H. Code.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.069 Reserved.

Article 2: PUBLIC WATER SUPPLY SYSTEMS

33.0610 Statement of Purpose.

The purpose of this Article is to assure that water furnished or supplied by public water supply systems within this jurisdiction shall at all times be pure, wholesome, potable, healthful and in adequate supply.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0611 Authority.

The San Bernardino County Department of Environmental Health Services (DEHS) shall monitor and enforce all applicable laws and orders for public water supply systems with less than two hundred (200) service connections within this jurisdiction pursuant to the authority cited in Chapter I of this E.H. Code, and elsewhere as provided by law.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0612 Standards.

Minimum standards for the design, construction, operation, maintenance, repair and monitoring for public water systems requiring a permit by this Article shall also include those standards listed in California Health and Safety Code, Division 5, Part 1, Chapter 7, "Water and Water Systems" and in California Administrative Code, Title 22:

(a) "Domestic Water Quality and Monitoring," Chapter 15, Sections 64401-64475.

(b) "California Waterworks Standards," Chapter 16, Sections 64551-64644

and California Administrative Code, Title 17, Part 1, Chapter 5, Subchapter 1:

(1) "Cross-Connection Control," Sections 7583-7622.

(2) "Operator Certification," Sections 7100-7134 as the same may be amended by the State from time to time and incorporated herein by reference, and every other relevant standard pursuant to state law.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0613 Permits.

No person or entity shall furnish or supply water to a user for domestic purposes from any source of water supply without first applying for, receiving, and retaining, an unexpired, unsuspended, unrevoked permit to do so from DEHS in accordance with Chapter 2 (Permits and Hearing Procedures) of this E.H. Code except as provided herein.

(a) Conditions of Approval. Permits shall be issued subject to compliance with the standards provided in this Article and plans shall be submitted to DEHS demonstrating such compliance. All owners or operators of any public water supply system subject to the provisions of this Article shall organize into a single legal entity responsible for such public water supply system. Permits may include any condition or requirement found by DEHS to be necessary to accomplish the purposes of this Article.

(b) Temporary Permit. DEHS may grant a temporary permit to any person or entity who has applied for a permit upon such terms as DEHS shall determine are in the public interest pending the completion of DEHS's investigation and application processing.

(c) Denial. If, upon the completion of the investigation and processing, DEHS determines that the water furnished, supplied, or proposed to be supplied is such that under any circumstances and conditions it is likely to be impure, unwholesome, unpotable or may constitute a menace or danger to public health, or if the existing or proposed source facility or distribution system is unhealthful, unsanitary, or not suited to the production and delivery of pure, wholesome, potable, and healthful water at all times, DEHS shall deny the application and order the applicant to make such changes as DEHS deems necessary to secure a continuous supply of pure, wholesome, potable, and healthful water.

(d) Revocation. Any permit issued may be revoked or suspended by DEHS at any time if it determines that the water being supplied or furnished by the permittee is or may become impure, unwholesome, unpotable, or endanger the lives or health of human beings. When a permit has been revoked or suspended by DEHS, the public water supply system shall not be exempt from service obligations and responsibilities unless so directed by DEHS.

(e) Exception. This Article shall not apply to a public water supply system with two (2) to four (4) service connections except in those specific areas in which DEHS has found its application to be necessary for the protection of public health and has given written notice thereof to those so regulated.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0614 Modifications.

(a) General Requirements. No person or entity shall modify, add to or change source facilities or distribution systems without written prior approval of DEHS.

(b) Conditions for Adding Service Connections. New service connections may be added to a public water supply system if the water system is, and will continue to be, in compliance with the provisions of this Article. When a water system is not in compliance with the provisions of this Article or of the requirements/conditions of the DEHS permit, a public nuisance shall be deemed to exist restricting the addition of service connections or water users until such compliance is obtained.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0615 Monitoring.

Any person or entity who furnishes or supplies water to a user for domestic purposes shall pay for and provide approved analyses of such water to DEHS per California Administrative Code, Title 22, "Domestic Water Quality and Monitoring."

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0616 Water Quality.

All water sources used for domestic water supply shall meet minimum standards of California Administrative Code, Title 22, "Domestic Water Quality and Monitoring."

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0617 Water Quantity, Source and Storage Requirements.

The quantity of water available from all water sources and distribution storage reservoirs shall at least equal those amounts shown in Tables I and II of the Article.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

Table I
Gravity Storage System
Source and Storage Capacity

	Minimum Use	Median Use	High Use			
	Recreational Dwelling With No Irrigation	Typical or Average Residence and Lot	Residence With Large Lot			
No. of Service Connection	Source Capacity (gpm)	Storage Capacity (gals)	Source Capacity (gpm)	Storage Capacity (gals)	Source Capacity (gpm)	Storage Capacity (gals)
10	11	3,500	17	4,000	28	4,900
20	19	6,900	32	7,800	53	9,600
30	26	10,100	45	11,400	75	14,130
40	33	13,100	57	14,800	95	18,400
50	40	15,900	69	18,000	115	22,500
60	46	18,500	80	21,000	134	26,400
70	52	20,900	90	23,800	151	30,200
80	58	23,100	100	25,400	167	33,900
90	64	25,100	109	27,800	181	37,500
100	69	27,000	117	30,100	195	41,000
120	74	30,500	133	34,500	220	47,700
140	79	33,600	149	38,900	245	54,000
160	84	36,400	165	43,300	270	59,900
180	89	39,200	181	47,700	295	65,400
200	94	42,000	197	52,200	320	70,500

"Source and Storage Design Guide for Small Water Systems," State of California, State Department of Health, Water Sanitation Section, 1967.

Table II
Pressure Tank System
Source Capacity

	Minimum Use	Median Use	High Use
	Recreational Dwelling With No Irrigation	Typical or Average Residence and Lot	Residence With Large Lot
No. of Service Connections	Source Capacity Gal. per Minute	Storage Capacity Gal per Minute	Source Capacity Gal. per Minute
10	40	50	69
20	77	97	133
30	110	140	193
40	142	180	248
50	174	219	302
60	200	255	354
70	226	288	403
80	251	312	449
90	273	341	494

100	294	367	537
120	328	420	618
140	363	473	695
160	387	526	770
180	416	579	840
200	444	630	908

"Source and Storage Design Guide for Small Water Systems, "State of California, State Department of Health, Water Sanitation Section, 1967.

33.0618 Required Separation Between Water Mains and Sanitary Sewers.

Underground street utility locations for water and sewer mains shall conform to the standards contained in the most recent edition of the State Road Department publication entitled "Standard Specifications, Drawings 310 and 311," and the State Department of Health Services bulletin entitled "Required Separation Between Water Mains and Sanitary Sewers."

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0619 Backflow and Cross-Connection Control.

Every person or entity furnishing or supplying water to users shall, by approved methods, prevent water from unapproved sources or any other substance from entering the domestic water system, and shall conform to the standards of California Administrative Code, Title 17, "Cross-connection Control."

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0620 Treatment.

Treatment facilities and operation shall be provided as determined by DEHS on a case-by-case basis. All surface waters shall be properly treated, including reliable disinfection.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0621 Correction of Sanitary Defects and Health Hazards.

DEHS may order such repairs, alterations or additions to the proposed or existing source facilities and distribution system as will ensure that the water furnished or supplied shall at all times be in continuous supply, pure, wholesome, potable, and without danger to the public health and safety,

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0622 Surface Water Sources.

Surface water sources (stream diversion works, impoundments, infiltration galleries, springs, etc.) shall not be utilized as sources of water supply for public water systems unless the permittee has demonstrated to DEHS that there are no reasonable means of obtaining an acceptable quality and quantity of groundwater, that required surface water rights documentation has been completed, that such surface sources and water treatment methods thereof have been approved for use by DEHS.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0623 Hauled Water.

Water furnished by a domestic water hauler shall not be used as a source of water by any public water supply system unless it has been demonstrated to DEHS that there are no reasonable means of obtaining an acceptable quality and quantity of groundwater, and that water treatment methods have been approved by DEHS. Exception:

During an officially declared state or local emergency, a public water supply system may utilize hauled water as a temporary source of supply.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.0624 Violations, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. Those enforcement procedures, remedies, and penalties of Chapters 1, 2, and 3 of this E.H. Code shall apply to this Article and be in addition to all others provided by law.

Adopted Ordinance #2518 (1981); Amended Ordinance #2537 (1981); Amended Ordinance #2670 (1982); Amended Ordinance #2701 (1982); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3512 (1992); Amended Ordinance #3516 (1992); Amended Ordinance #3659 (1996);

33.625-629 (Reserved)

Article 3: WATER WELLS

33.0630 Statement of Purpose and Authority.

The purpose of this Article is to provide minimum standards for construction, reconstruction, abandonment and destruction of all wells relating to groundwater protection in order to: (a) protect underground water resources, and (b) provide safe water to persons within San Bernardino County. Pursuant to the authority cited in Chapter I of this Environmental Health Code (E.H. Code), the Department of Environmental Health Services (DEHS) of the County of San Bernardino shall enforce the provisions of this Article within this jurisdiction.

Adopted Ordinance #3105 (1986);

33.0631 Permits.

(a) No person or entity, as principal agent or employee, shall dig, drill, bore, drive, reconstruct or destroy: (1) a well that is or has been used to produce or inject water; (2) a cathodic protection well; (3) an observation well; or (4) an exploration well; without first filing a written application to do so with DEHS, receiving, and retaining a valid permit as provided herein.

(b) Application for Permit. Applications for permits shall be submitted to DEHS and shall include the following:

(1) A plot plan showing the location for the well with respect to the following items within a radius of five hundred (500) feet from the well:

- (A) Property lines, location and ownership of all parcels and easements.
- (B) Sewage or waste disposal systems or works for carrying or containing sewage or waste.
- (C) All intermittent or perennial, natural or artificial bodies of water or watercourses.
- (D) The approximate drainage pattern of the property.
- (E) Other wells, including abandoned wells.
- (F) Access road(s) to well site.

(2) Location of the subject property -- legal description, assessor's parcel number and street address.

(3) The contractor's name and state license classification/number constructing the well.

(4) The proposed or probable depth of the well.

(5) The proposed minimum depths and types of casing and probable minimum depth of perforations to be used if such data can be reasonably projected.

(6) The proposed use of the well.

(7) Where the proposed work is a reconstruction or destruction of a well, the following, if available: Total depth, depth and type of casing used, depth of perforations, well log, and any other pertinent information available.

(8) Description of proposed method of reconstruction or destruction of well.

(9) Location and classification of any past or present solid, liquid, or hazardous waste disposal sites within two (2) miles of the proposed well.

(10) Other information as may be reasonably necessary for DEHS to determine if the underground waters will be adequately protected.

(c) Conditions of Approval. Permits shall be issued after compliance with the standards provided in this Article. Plans shall be submitted to DEHS demonstrating compliance with such standards. Permits may include conditions and requirements found by DEHS to be reasonably necessary to accomplish the purposes of this Article. Completion bonds, contractor's bonds, cash deposits, or other adequate security may be required to ensure all

projects are performed completely and properly to protect the public's health and safety and the integrity of underground water resources.

(d) Denial. Where DEHS determines that the standards of this Article have not been met, it shall deny the application.

Adopted Ordinance #3105 (1986);

33.0632 Licensing and Registration of Water Well Drillers and Contractors.

No person or entity shall engage in any activity listed in Section 33.0631 of this Article except as provided herein, and where required by State law with a valid license in accordance with the California State Contractor's License Law (Chapter 9, Division 3 of the Business and Professions Code), as appropriate to the activity to be engaged in. Such person or entity shall register with DEHS prior to commencing any activity regulated by this Article.

Adopted Ordinance #3105 (1986);

33.0633 Standards.

Standards for the construction, reconstruction, destruction or abandonment of wells shall be the standards recommended in the California Department of Water Resources Bulletin No. 74-81, Chapter II, as may be amended by the State from time to time and is hereby incorporated herein by reference. For cathodic protection wells, the standard shall be those recommended in Chapter 11 of the California Department of Water Resources Bulletin No. 74-1, as amended from time to time and is hereby incorporated herein by reference.

Adopted Ordinance #3105 (1986);

33.0634 Lateral (Horizontal) Well Standards.

The location, design, and monitoring of lateral wells shall be in accordance with the standards recommended in the State of California, State Department of Health, Water Sanitation Section publication "Requirements For Use of Lateral Wells in Domestic Water Systems," as may be amended and is hereby incorporated herein by reference.

Adopted Ordinance #3105 (1986);

33.0635 Approval of Sites.

Domestic water well sites shall be inspected and approved by DEHS before any construction activities thereat. Wells serving systems under the direct jurisdiction of the State Department of Health Services may receive site approval from that agency.

Adopted Ordinance #3105 (1986);

33.0636 General Location of Water Wells.

It shall be unlawful for any person or entity to drill, dig, excavate, or bore any water well at any location where sources of pollution or contamination are known to exist, existed, or otherwise substantial risk exists that water from that location may become contaminated or polluted even though the well may be properly constructed and maintained. Every well shall be located an adequate distance from all potential sources of contamination and pollution as follows:

Sewers	50 ft. minimum
Septic tank, sewage holding tank, subsurface sewage leach lines or leach fields	100 ft. minimum
Cesspool or seepage pit	150 ft. minimum
Animal or fowl confined	100 ft. minimum
Any subsurface sewage disposal system discharging 5,000 gal./day or more	200 ft. minimum

Minimum distances from other sources of pollution or contamination shall be determined by DEHS upon investigation and analyses of the probable risks involved.

Where particularly adverse or special hazards are involved, the foregoing distances shall be increased or special approved means of protection, particularly in the construction of the well, shall be provided as determined by DEHS.

Adopted Ordinance #3105 (1986);

33.0637 Well Logs.

Any person or entity who has drilled, dug, excavated or bored a well subject to this article shall furnish DEHS a complete log of such well within thirty (30) days after completion of the drilling, digging, excavation or boring of such well, or prior to final inspection of the completed well, whichever occurs first. This log shall include depths of formation, character, size distribution, color for all lithological units penetrated, as well as the type of casing, the depth of the well, the number and location of the perforations in the casing and any other data required by DEHS. Where insufficient subsurface information is available from other reliable sources as to certain formations, DEHS may require inspection of the well log during any phase of the well's construction and may require modifications of the remaining planned work to achieve the purposes of this article.

Adopted Ordinance #3105 (1986);

33.0638 Well Surface and Subsurface Construction Features.

(a) **Water-Well Surface and Annular Sealing.** All water wells hereafter drilled, dug, excavated or bored shall be provided with: a watertight reinforced concrete slab at least six (6) inches thick and with the top being a minimum of four (4) inches above the higher of the ground level or floor level at the well site. The slab shall extend horizontally at least three (3) feet from the center of the well casing in all directions and be adequately sloped to drain surface water away from the well casing. Annular seals for agricultural and individual domestic wells shall extend at least twenty (20) feet below the ground surface. For community water supply wells, annular seals shall extend at least fifty (50) feet below the ground surface.

(b) **Sample Spigot.** A sample spigot shall be provided on the pump discharge line of any water well used as a public water supply adjacent to the pump and on the distribution side of the check valve.

(c) **Check Valve.** A check valve shall be provided on the pump discharge line adjacent to the pump for all water wells.

(d) **Water Well Disinfection Pipe.** All community water supply wells and individual domestic wells shall be provided with a pipe or other effective means through which chlorine or other approved disinfecting agents may be introduced directly into the well. The pipe shall be extended at least four (4) inches above the finished grade and shall contain a threaded or equivalently secured cap upon it.

(e) **Water Well Master Meter.** A master meter or other suitable measuring device shall be located at each source facility and shall accurately register the quantity of water delivered to the distribution system from all community water supply wells serving a public water supply system.

(f) **Air-Relief Vent.** An air-relief vent, if used, shall terminate downward, be screened, and otherwise be protected from contaminating material entering.

Adopted Ordinance #3105 (1986);

33.0639 Disinfection of Water Wells.

Every new, repaired or reconstructed community water-supply well or individual domestic well, after completion of construction, repair or reconstruction, and before being placed in service, shall be thoroughly cleaned of all foreign substances. The well gravel used in gravel-packed wells, pipes, pump, pump column, and all well water contact equipment surfaces shall be disinfected by a DEHS-approved method. Such solution shall remain in the well and upon all relevant surfaces for at least twenty-four (24) hours. Disinfection procedures shall be repeated until microbiologically safe water is produced, as set forth by California Administrative Code, Title 22, "Domestic Water Quality and Monitoring."

Adopted Ordinance #3105 (1986);

33.0640 Water Quality Standards.

Water from all new, repaired, and reconstructed community water supply wells shall be tested for, and meet standards for, microbiological, chemical, physical, and radiological quality in accordance with California Administrative Code, Title 22, "Domestic Water Quality and Monitoring."

Adopted Ordinance #3105 (1986);

33.0641 Required Inspections of Wells.

An inspection shall be requested of DEHS at least twenty-four (24) hours in advance of:

(a) The filling of the annular space or conductor casing. (Upon failure to notify DEHS, approved geophysical tests including Sonic Log and Gamma Ray Log tests shall be conducted at the owner's expense to substantiate that an annular seal has been properly installed.)

(b) After installation of the surface protective slab, pumping, and other required equipment.

(c) Immediately before and during the destruction of a well; immediately after the well destruction.

(d) Any other operation or condition stipulated on the DEHS permit.

Adopted Ordinance #3105 (1986);

3.0642 Approval by DEHS.

No water from a new, repaired, or reconstructed well shall be used until the well is given a final approval by DEHS.

Adopted Ordinance #3105 (1986);

33.0643 Well Abandonment.

If after thirty (30) days of abandonment, the owner of an abandoned well has not declared to DEHS the well for proposed reuse per Section 33.0644, then the well shall be destroyed per Section 33.0631 of this Article. If any well is found by DEHS to be a hazard, whereby its continued existence is likely to cause damage to groundwater, or to the public health and safety, DEHS shall direct the owner to destroy the well within a stated period. At the time of removal of a pump, the casing shall be provided with an adequate cap at the surface and shall be maintained so that it will not be a hazard to health or safety until such time that the abandoned well is properly sealed from the bottom to the top.

Adopted Ordinance #3105 (1986);

33.0644 Declaration of Proposed Reuse.

Where a well is unused or its disuse is anticipated, the owner may apply to DEHS in writing stating an intention to use the well again for its original or other approved purpose. DEHS shall review such a declaration and may grant an exemption from certain of the provisions of Section 33.0643 of this Article provided no undue hazard to public health or safety is created by the continued existence of the well. Thereafter, an amended declaration shall be filed annually with DEHS. The original or subsequent exemption may be terminated for cause by DEHS at any time.

Adopted Ordinance #3105 (1986);

33.0645 Violations, Remedies, and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. All enforcement procedures, remedies, and penalties of Chapters 1, 2, and 3 of this E.H. Code shall apply to this Article, and are in addition to all others provided by law.

Adopted Ordinance #3105 (1986);

33.646-649 (Reserved)

Article 4: CERTIFICATION OF BACKFLOW PREVENTION DEVICE TESTERS

33.0650 Statement of Purpose.

The purpose of this Article is to assure that domestic water systems within this jurisdiction are protected against contamination or pollution as a result of inadequate protection due to the lack of or malfunctioning of backflow prevention assemblies.

Adopted Ordinance #3512 (1992);

33.0655 Authority.

This Article is adopted pursuant to the authority in Health and Safety Code Section 4049.52.

Adopted Ordinance #3512 (1992);

33.06510 Certification Required.

No person shall inspect, maintain, or test water back flow prevention assemblies without a current, valid Certificate of Competence issued in accordance with requirements established by the San Bernardino County Department of Environmental Health Services (DEHS).

Adopted Ordinance #3512 (1992);

33.06515 Term of Certification.

The certification required by §33.06510 of this Article shall be valid for a period of three (3) years From the date of qualification unless it has been revoked for cause in accordance with procedures established within this Article.

Adopted Ordinance #3512 (1992);

33.06520 Required Fees.

Each person applying to qualify for certification or for renewal of his/her certification shall first pay all applicable fees to the San Bernardino County Department of Environmental Health Services (DEHS) for each activity in the amounts set forth in Chapter 2 of Division 6 of Title I of the San Bernardino County Code schedule of fees.

Adopted Ordinance #3512 (1992);

33.06525 Denial, Revocation and Suspension of Certification.

(a) The San Bernardino County Department of Environmental Health Services (DEHS) may deny, revoke, or suspend a certification for any one or more of the following causes pertaining to conduct of the applicant or certification holder:

(1) Where falsified information is submitted to DEHS in an application for certification, testing report(s), or correspondence; or

(2) Where federal, state, or local laws or regulations pertaining to the testing and/or certification of a backflow prevention assembly or assemblies have been violated.

(3) Where required fees have not been paid.

(b) Upon determining probable cause for the denial, revocation, or suspension of a certification, DEHS shall give written notice to the applicant or certificate holder at the address given on the application or certificate to show cause why the certification should not be denied, revoked, or suspended, and conduct a hearing if requested in accordance with the provisions of Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code.

(c) A person whose certification has been denied or revoked pursuant to this Section shall not be considered by DEHS for a certification until at least after one (1) year from the date of such denial or revocation. After three (3) such denials or revocations, or combinations thereof, no new certification shall be granted to such applicant.

Adopted Ordinance #3512 (1992);

33.06530 Non-Transferability of Certifications.

Certifications issued pursuant to this Article are non-transferable as to any person or entity.

Adopted Ordinance #3512 (1992);

33.06535 Administration, Enforcement, Remedies and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all administration, enforcement, remedies, and penalties as to this Article shall be as set forth in Chapters I and 2 of Division 3 of Title 3 of the San Bernardino County Code.

Adopted Ordinance #3512 (1992);

33.06540 - 33.06550 (Reserved).

Article 5

Desert Groundwater Management

Sections:

33.06551	Purpose.
33.06552	Scope and Exclusions.
33.06553	Definitions.
33.06554	Permits.
33.06555	Notice of Pending Decision.
33.06556	Appeals.
33.06557	Violations, Remedies and Penalties.

33.06551 Purpose.

(a) The protection of groundwater resources within San Bernardino County is of utmost importance. The public health, safety and general welfare of the people of the State of California and of the County depend upon the continued availability of groundwater through ensuring that extraction of groundwater does not exceed the safe yield of affected groundwater aquifers, considering both the short and long-term impacts of groundwater extraction, including the recovery of groundwater aquifers through natural as well as artificial recharge. The protection of the

groundwater resource within San Bernardino County also includes the consideration of the health of individual aquifers and the continued ability of those aquifers to store and maintain water.

(b) The protection of groundwater resources within the unincorporated and unadjudicated desert region of San Bernardino County is of particular importance due to:

- (1) the existence of vast aquifers that underlie those areas which have not been overdrafted;
- (2) the relative lack of significant natural recharge in those areas when compared to the mountain areas and other less arid areas of the County; and
- (3) the lack of regulatory or judicial oversight of the groundwater aquifers within the unadjudicated desert region, which oversight would serve to ensure the groundwater safe yield and health of the aquifers.

(c) This Article protects the groundwater resources of San Bernardino County in order to ensure the health of that resource. This Article is intended to be consistent with the California Constitution, Article 10, section 2 (water rights), and Article 11, section 7 (police powers).

(d) This Article augments and supplements the Groundwater Management authority the County may otherwise have pursuant to the Groundwater Management Act, California Water Code section 10750, et seq.

33.06552 Scope and Exclusions.

(a) This Article shall only apply to those groundwater aquifers that have not been adjudicated by judicial decree, which are located outside of the jurisdictional boundaries of the Mojave Water Agency and Public Water Districts within the Morongo Basin and which are situated in the unincorporated desert region of the County, generally described as that area of the County lying west of the Colorado River and the California-Nevada state line, north of the San Bernardino-Riverside county line, south of the San Bernardino-Inyo county line and east of Fort Irwin Military Reservation, the Mojave Water Agency, the Marine Air Ground Task Force Command Center, Twentynine Palms Water District and the City of Twentynine Palms. The area subject to this Article is more specifically identified on the attached Desert Groundwater Ordinance Map.

(b) This Article shall not apply to any well operated by any district or person where the district or person has performed both of the following:

- (1) adopted a groundwater management plan pursuant to Water Code section 10750, et seq. ("AB 3030 Plan") which adheres to "groundwater safe yield" and "aquifer health" limitations, as those terms are defined in section 33.06553 of this Code or has otherwise developed and instituted a County-approved groundwater management, monitoring and mitigation plan associated with its extraction of water that is consistent with guidelines developed by the County; and

(2) executed a Memorandum of Understanding ("MOU") or other binding agreement with the County which:

(A) requires the parties to share groundwater monitoring information and data and to coordinate their efforts to monitor groundwater resources in the County; and

(B) ensures that the measures identified in the AB 3030 Plan or County-approved groundwater management, monitoring and mitigation plan are fully implemented and enforced. Such MOU or agreement must remain enforceable in order to provide for an exclusion from this Article.

(c) This Article shall not apply to the following:

- (1) groundwater wells subject to the Lower Colorado Water Supply Project;
- (2) groundwater wells within the jurisdictional boundary of the Mojave Water Agency, including public water agencies within the Morongo Basin;

(3) groundwater well operations approved before the effective date of this Article as part of a currently valid and complied with Conditional Use Permit or well construction permit. Owner must provide evidence or certification the well was drilled prior to permit requirements or was permitted prior to the effective date of this ordinance;

(4) groundwater wells used in conjunction with mining operations for which a currently valid and complied with mining reclamation plan has been established;

(5) groundwater wells associated with an agricultural operation, where the cumulative extraction from all of the agricultural wells from such an operation is less than 1,100 acre-feet per year and where the water is used on site and allowed to percolate into the ground, resulting in some return flow to the underlying aquifer.

(6) groundwater wells which replace abandoned wells if (i) proof of abandonment for the existing well is shown, (ii) the replacement well casing is not larger in diameter than the abandoned well, and/or (iii) the pumping capacity of the replacement well is no more than the pumping capacity of the abandoned well.

(7) non-agricultural wells with casings smaller than ten inches in diameter or those to be pumped for less than thirty (30) acre feet per year. Notwithstanding the foregoing exemption, this Article shall apply to a non-agricultural well that is proposed on a parcel on which other wells are located and where the total production of all wells on-site is greater than fifty (50) acre feet per year. The term, "parcel" shall include all parcels within any one groundwater aquifer in which the same person or persons have a common ownership interest.

(8) groundwater wells located on Federal lands unless otherwise specified by inter-agency agreement. Notwithstanding the foregoing exclusion, this Article shall apply to groundwater wells located on privately

held lands, which are within the boundaries of a National Park, Preserve or Monument or any other Federal designation.

33.06553 Definitions.

The following terms related to groundwater management are defined as follows:

- (a) "AB 3030 District": A district which also has adopted a plan pursuant to the Groundwater Management Act.
- (b) "Aquifer": A geologic formation that stores, transmits and yields significant quantities of water to wells and springs.
- (c) "Aquifer Health": The geologic integrity of the affected aquifer, its storage capacity and the quality of water within the aquifer, including the quality of water for a drinking water supply.
- (d) "Code": The San Bernardino County Code.
- (e) "District": Excluding a city wholly or in part located within the boundaries of the County, any district or political subdivision whose primary function is the irrigation, reclamation or drainage of land or is the diversion, storage, management or distribution of water primarily for domestic, municipal, agricultural, industrial, recreation, fish and wildlife enhancement, flood control or power production purposes.
- (f) "Enforcement Agency": The Enforcement Agency for San Bernardino County may be the Board of Supervisors or the Director of the Department of Public Health, Environmental Health Services Division.
- (g) "Groundwater": All water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water which flows in known and definite channels.
- (h) "Groundwater Management Act": California Water Code section 10750, et seq.
- (i) "Groundwater Safe Yield": The maximum quantity of water that can be annually withdrawn from a groundwater aquifer (i) without resulting in overdraft (ii) without adversely affecting aquifer health and (iii) without adversely affecting the health of associated lakes, streams, springs and seeps or their biological resources. The safe yield of an aquifer can be increased by management actions such as artificial recharge, including infiltration and other similar actions.
- (j) "Overdraft": The condition of a groundwater supply in which the average annual amount of water withdrawn by pumping exceeds the average annual amount of water replenishing the aquifer in any ten (10) year period, considering all sources of recharge and withdrawal.
- (k) "Person": Any state or local government agency, private corporation, firm, partnership, individual, group of individuals or, to the extent authorized by law, any federal agency.
- (l) "Recharge": Flow to groundwater storage from precipitation, irrigation, infiltration from streams, spreading basins and other sources of water.

33.06554 Permits.

(a) Requirement for Permit. Except as otherwise excluded from the application of this Article and in addition to any applicable permitting requirements for well construction, reconstruction, abandonment and destruction pursuant to the provisions of the San Bernardino County Code, no person, district or other entity acting as principal, agent or employee, shall locate, construct, operate or maintain any new groundwater well within the desert region of San Bernardino County, as identified in section 33.06552(a), without first filing a written application to do so with the enforcement agency and receiving and retaining a valid permit as provided herein. This permit is a discretionary permit under the California Environmental Quality Act (CEQA, Public Resources Code section 21000, et seq.)

(b) Application for Permit. Applications for permits under this Article shall be submitted to the enforcement agency in a format prescribed by the enforcement agency, and shall be of sufficient detail to allow the determinations set forth in subsections (c) and (d) of this section to be made. Applications shall include the following information:

- (1) A plot plan depicting the location of the proposed well(s) on a section map depicting the location of the following items within 1/2 mile of the well(s):
 - (A) property lines, location and ownership of all parcels and easements;
 - (B) all intermittent, perennial, natural or artificial bodies of water or watercourses;
 - (C) notable nearby geographic features (faults, etc.);
 - (D) all other wells; and
 - (E) landfills, septic systems or other liquid or solid waste facilities.
- (2) Proposed well diameter, depth and completion interval (screen or perforation locations) for proposed well(s).
- (3) Well design capacities for proposed well(s).
- (4) Anticipated groundwater safe yield of the affected groundwater aquifer.
- (5) Anticipated static and pumping levels.
- (6) Anticipated water quality.
- (7) The intended use of groundwater from the proposed well(s).

- etc.).
- (8) The proposed months of operation of the proposed well(s) (year-round, irrigation months, etc.).
 - (9) The proposed pumping cycles (one eight-hour/day cycle, two six-hour/day cycles, etc.).
 - (10) Estimated annual pumpage from the proposed well(s) in acre-feet.
 - (11) System description (irrigation, domestic, etc.).
 - (12) Anticipated return flows (deep percolation, runoff, etc.).
 - (13) The estimated rate of natural recharge to the affected groundwater aquifer(s) calculated in accordance with generally accepted scientific methodologies and as deemed appropriate by the enforcement agency.
 - (14) A description of the affected groundwater aquifer(s) including estimated storage capacity and the overall quality of water within the aquifer.
 - (15) Other information as may be reasonably necessary for the County to determine the potential effects of the proposed well operations on the groundwater safe yield and aquifer health of the affected aquifer.
 - (16) Supporting documentation, where available, for all of the foregoing items.

(c) Permit Review.

(1) Procedure: Administrative Review or Public Hearing.

(2) Reviewing Authority: The Director of the Department of Public Health, Environmental Health Services Division, shall be the reviewing authority for Permit applications except in the following circumstances:

(A) Where the Director of the Department of Public Health, Environmental Health Services Division refers the proposal to the Board of Supervisors for Public Hearing.

(B) Where the proposal is filed concurrently with an application subject to Public Hearing review procedures.

(3) Where the Director of the Department of Public Health, Environmental Health Services Division is the reviewing authority, the procedure shall be considered to be Administrative Review and notice shall be provided pursuant to Section 33.06555 herein.

(d) Conditions of Approval. Plans shall be submitted to the enforcement agency demonstrating compliance with the standards of this Article. No permit shall be issued unless the enforcement agency determines, based upon the available data, that the well(s) constructed and operated as proposed, would not result in exceeding the groundwater safe yield of the relevant aquifers. Permits may include conditions and requirements found by the enforcement agency to be reasonably necessary to accomplish the purposes of this Article, including, but not limited to, conditions requiring groundwater management, mitigation and monitoring by the applicant.

(e) Environmental Review. Prior to taking an action to approve an application for a permit, the enforcement agency shall make the environmental findings required under the California Environmental Quality Act.

(f) Denial. The enforcement agency shall deny the application where it determines that the standards of this Article have not been met; where the well operations proposed in the application would result in exceeding the groundwater safe yield of the relevant aquifers considered individually or in conjunction with other existing wells.

(g) Permit Fees. The hourly rates for administering the provisions of this Article are established under the provisions of the San Bernardino County Code Schedule of Fees.

(h) Permit Suspension/Revocation or Modification. Permits may be issued only for so long as the well operations do not exceed the groundwater safe yield of the relevant aquifers. Permits will be suspended, revoked or modified if the enforcement agency determines that continued operations under the permit would result in overdraft of the relevant aquifers.

(i) Administrative Variances and Special Circumstances. The County may grant an administrative variance from any provision of this Article due to special circumstances or hardship. The County may describe alternative requirements where submitted documents as may be reasonably required by the County provide substantial evidence that a modification of the requirements in this Article will not endanger the general public health and safety and strict compliance would be unreasonable in view of all of the circumstances.

(j) Inspection and Monitoring. The enforcement agency may, with consent or a warrant if required, at any and all reasonable times enter any and all places, property, enclosures and structures for the purposes of making examinations and investigations to determine whether any provision of this Article is being or has been violated.

33.06555

Notice of Pending Decision

(a) Upon receipt of a request for a decision, the reviewing authority shall cause notice to be given specifying the time and place at least ten (10) calendar days prior to the date of the scheduled decision by the following applicable methods:

(1) Notice shall be published once in a newspaper of general circulation in the respective community of the proposal for decisions using the Public Hearing procedure.

(2) Notice shall be given by first class mail to any person who has filed a written request for a specific application.

(3) Notice shall be given by first class mail or delivery to all property owners within one (1) mile of the external boundaries of the parcel of the proposed extraction for decisions using the Public Hearing or the Administrative Review procedures.

(4) Notice may be given in such other manner as is deemed necessary or desirable.

(b) Said notice shall include sufficient information to give those receiving the notice a reasonable opportunity to evaluate the implications of the proposal and to participate in the decision making process.

(c) Ownership and addresses of properties shall be determined from the latest equalized tax assessment role or from other records of the County Assessor or County Tax Collector, whichever contains more recent information.

(d) If during a public hearing, items are continued by the reviewing authority to a specific date, the items shall not be re-noticed unless specifically requested by the reviewing authority.

33.06556 Appeals.

(a) Prior to its effective date, a decision made in accordance with the provisions of this code by a reviewing authority other than the County Board of Supervisors may be appealed by the applicant or other affected party, as follows:

(1) Applications for an appeal to the Board of Supervisors shall be made on forms supplied by the enforcement agency. Applications for appeals shall be accompanied by a written statement of the grounds upon which the appeal is based. The appeal application shall identify:

- (A) the subject permit application;
- (B) the specific decision, condition of approval or other matter being appealed;
- (C) the date of such action;
- (D) the justification for the appeal; and
- (E) any remedy or solution for which the appellant petitions.

(2) A uniform fee established by the Board of Supervisors shall be paid to the County upon the filing of each appeal.

(3) A properly filed application for appeal stays proceedings in the matter appealed until a decision is rendered on the appeal.

(4) An application for an appeal must be submitted to the Clerk of the Board of Supervisors within fifteen (15) days after a notice of decision is mailed by the enforcing agency to the applicant.

(5) Within thirty (30) days of the acceptance of an application for an appeal, the Clerk of the Board of Supervisors shall set the matter for hearing and shall give notice of the date, time and place of the hearing to the appellant, the applicant and to any other party who has requested in writing to be so notified.

(6) Upon hearing the appeal, the Board of Supervisors shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify in whole or in part the decision appealed. The Board of Supervisors is subject to all of the criteria, findings and requirements imposed by this Code upon the original decision maker.

33.06557 Violations, Remedies and Penalties.

It shall be unlawful for any person or entity to violate any provision of this Article. All enforcement procedures, remedies and penalties of Chapter 1 of Division 3 of Title 3 of this Code shall apply to this Article and are in addition to all others provided by law.

Adopted Ordinance 3872 (2002)